

## **REMARKS**

The Examiner is respectfully requested to enter the foregoing amendment prior to further examination of the above-identified patent application. The Office Action dated March 22, 2007, has been received and carefully noted. The above amendments and the following remarks are submitted as a full and complete response thereto. Claim 25 is allowed.

By this Amendment, claims 6, 9, and 24 are canceled, claims 1, 2, 5, 7, 10-13 and 23 are amended and new claims 26 and 27 are added. Claims 26 and 27 are based on original claims 3 and 4, which were previously canceled. No new matter is presented. Claims 16-21 were withdrawn pursuant to a Restriction Requirement dated July 20, 2006. Claims 1, 2, 5, 7, 8, 10-15, 22, 23 and 25-27 are pending and respectfully submitted for consideration.

### **Allowable Subject Matter**

The Applicant wishes to thank the Examiner for indicating allowable subject matter in claims 11 and 22 and allowing claim 25. Claims 11 and 22 were not rewritten in independent form as they depend from claim 25 which is allowed.

### **Rejections Under 35 U.S.C. § 103**

Claims 1, 2, 5, 6, 9, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soldani (U.S. Patent No. 5,387,621) in view of Cline et al (U.S. Patent No. 6,161,723, "Cline"). As noted above, claims 6 and 9 are canceled. Claims 2, 5, 10 and 12 are amended to depend from allowed claim 25. As such, the rejection with respect to claims 2, 5, 6, 9, 10 and 12 is now rendered moot. The Applicant traverses the rejection of claim 1 as discussed below.

Claims 7, 8, and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soldani and Cline and further in view of Chouinard (U.S. Patent No. 6,709,455, "Chouinard"). Claims 7, 8, and 13-15 are amended to depend from allowed claim 25. As such, the rejection with respect to claims 7, 8 and 13-15 is now rendered moot.

Claim 23 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Soldani in view of Smith (U.S. Patent No. 3,926,103). The Applicant traverses the rejection of claim 23 as discussed below.

Claim 24 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Soldani and Smith and further in view of Cline. As claim 24 has been canceled, the rejection is now rendered moot.

To the extent that the above-noted rejections remain applicable to the claims currently pending, the Applicant traverses the rejections and respectfully submits that claims 1 and 23 recite subject matter that is neither disclosed nor suggested by the cited references.

Soldani discloses a machine comprising two nozzles for spraying fluid substances on a mandrel, on which the fluid substances build up, the mandrel and the nozzles being mobile relative to one another for substantially even distribution of the fluid substances designed to form the membrane. A chamber connected to a glass reservoir for an unstable polymer solution or a non-solvent and to a compressed nitrogen tank is provided for each nozzle.

Cline discloses a machine comprising a nozzle for spraying fluid substances on a scale, on which the fluid substances build up, a mixer tube 51, a plurality of vats 2 and

4, each of which holds a fluid that is a constituent material of the desired final product, and pumps 34 and 36 located between the vats and the mixer tube (see in particular figure 1).

Smith discloses a recovery system which includes spray-gathering exhaust hoods positioned opposite the spraying nozzles. See the Abstract of Smith.

Claims 1 and 23 recite, in part, a first and at least a second pump, which are located, each, downstream of the respective mixer means and upstream of the respective first and second nozzle.

The Office Action acknowledges that Soldani does not disclose or suggest first and a second pump, which are located, each, downstream of the respective mixer means and upstream of the respective first and second nozzle. Cline is cited for curing the deficiencies in Soldani with respect to claim 1, and Cline and Smith are cited for curing the deficiencies in Soldani with respect to claim 23. With respect to claims 1 and 23, the Applicant respectfully submits that the cited references do not disclose or suggest the claimed features of the invention.

With respect to claims 1 and 23, the Office Action asserts that "it would have been obvious in the art to provide a pump for supplying the solutions to the sprayers in an apparatus of Soldani as such is an art recognized way for supplying a fluid to a spraying means at a desired fluid pressure as exemplified in the teachings of Cline et al. (col. 5 line 4 to col. 6 line 6; figure 1). In order to effectively deliver fluid materials from a mixer to a nozzle at a desired fluid pressure, it would have been an obvious expediency in the art to provide a pump between the mixer and the nozzle." See the paragraph bridging pages 4 and 5 of the Office Action. In contrast, Figure 1 of Cline

shows that the pumps 34, 36 are located upstream of the static mixer tube 50 and that the static mixer tube 50 is between the pumps 34, 36 and the output nozzle 53. As such, Cline discloses an arrangement of elements that is different and not comparable to that recited in claims 1 and 23. As such, Cline fails to cure the deficiencies in Soldani, for which the reference is cited, with respect to claim 1 and 23.

Smith further fails to cure the deficiencies in Soldani and Cline with respect to claim 23 as Smith also does not disclose or suggest at least the feature of a first and at least a second pump, which are located, each, downstream of the respective mixer means and upstream of the respective first and second nozzle.

To establish a *prima facie* case of obviousness, each and every feature of a rejected claim must be taught or suggested by the applied art of record. See M.P.E.P. § 2143.03.

In view of the above, the Applicant respectfully submits that Soldani and Cline and Soldani and Smith fail to support a *prima facie* case of obviousness for purposes of a rejection of claims 1 and 23, respectively, under 35 U.S.C. § 103. Accordingly, claims 1 and 23 are not rendered obvious in view of the combinations of Soldani and Cline and Soldani, Cline and Smith and should be deemed allowable.

### **Conclusion**

Claim 25 is allowed. Claims 2, 5, 7, 8, 10-15, 22, 26 and 27 depend from claim 25 and should also be allowed.

The Applicant respectfully submits that claims 1 and 23 are allowable for the reasons submitted above. Accordingly, the Applicant respectfully requests withdrawal

of the rejections, allowance of claims 1 and 23 and the prompt issuance of a Notice of Allowability.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicant respectfully petition(s) for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing Attorney Dkt. No. 108043-00012**.

Respectfully submitted,



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Enclosures: Petition for Extension of Time (three months)  
Request for Continued Examination under 37 C.F.R. § 1.114